

Remarks

Claims 1-35 are currently pending in the Application and Claims 13 and 34 are herein canceled without prejudice.

Summary of claim amendments

This response amends Claims 14 and 35 to clarify the language of the claims and cancels Claims 13 and 34 without prejudice.

This response amends Claim 16 to recite “A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 1” instead of “A computer program for causing a programmable data processor to execute the method of claim 1.” Support for the amendments can be found, for example, in Figure 2 and corresponding text in the specification.

35 U.S.C. §101 rejection

In the non-final Action mailed July 26, 2006 the Examiner rejects Claim 16 under 35 USC § 101. Applicants respectfully submit that Claim 16 has been amended and complies with the requirements of 35 USC § 101 and request that the rejection be withdrawn.

35 U.S.C. §112, second paragraph, rejection

Claims 13-14 and 34-35 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that Claims 14 and 35 are herein amended to clarify the language of the claims and Claims 13 and 34 are herein canceled without prejudice. Applicants request that the rejection be withdrawn.

35 U.S.C. §102(b) rejection in view of Trostle (U.S. Patent No. 5,919,257)

Claims 1-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Trostle. Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that the Examiner has not shown that Trostle teaches each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicant submits that the Examiner has not shown that Trostle discloses, suggests or teaches, *inter alia*, the following features recited by Claim 1 of the present application:

“issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is then issuing a second challenge to test the integrity of an application run on the participant's computing device” (emphasis added)

The Examiner asserts that “issuing a first challenge” as recited in Claim 1 is disclosed by Trostle’s sending/receiving of “a trusted hash value.” See page 4, section 10 of the Official Action. The Examiner further asserts that “issuing a second challenge” as recited in Claim 1 is disclosed by Trostle’s sending/receiving of “a list of the selected executable programs.” See page 4, section 10 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.

Applicants submit that Trostle’s steps of sending/receiving “a trusted hash value” and

sending “a list of the selected executable programs” are **independent** of each other. Referring to Trostle’s Figure 6, reproduced below, according to Trostle, the step of receiving the “list of the selected executable programs” is done prior to the step of receiving the “trusted hash value.”

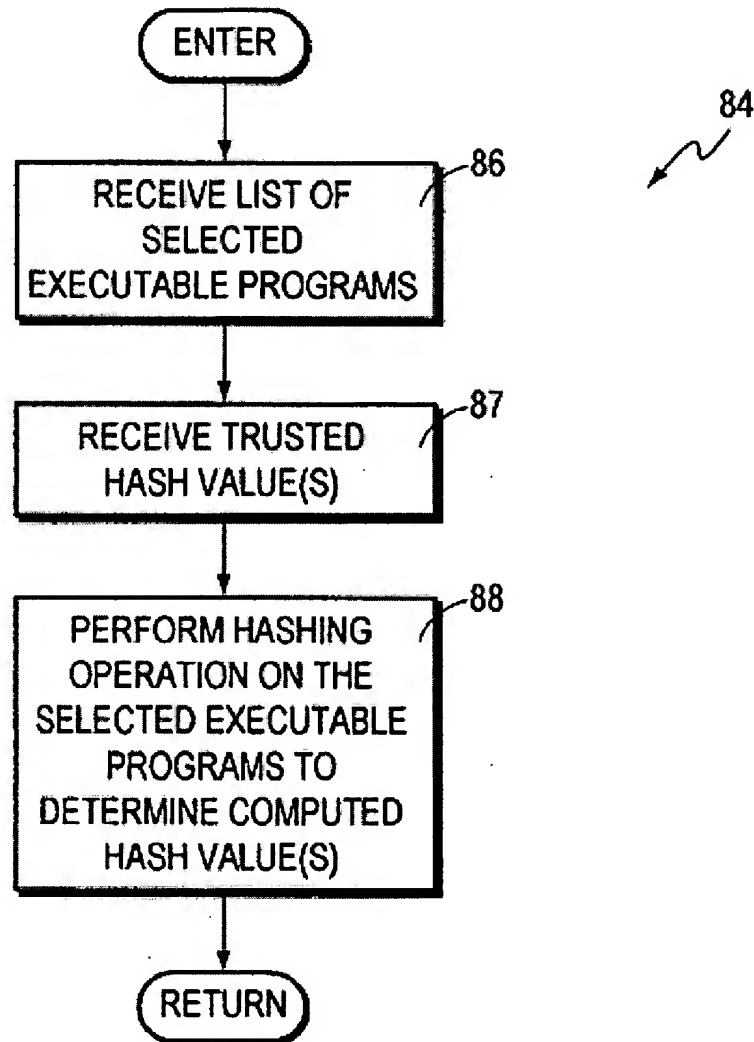


FIG. 6

Referring to Trostle's Claim 1, reproduced in part below, referred to by the Examiner, Trostle's step 1 of receiving the "trusted hash value" is done prior to the step 2 of receiving the "list of the selected executable programs."

1. A method of detecting illicit changes to an executable program in a networked computer workstation prior to execution of an operating system by the workstation, the method comprising the steps of:

step 1 → receiving a trusted hash value that is expected to be generated by hashing selected executable programs resident in the workstation if the selected executable programs have not been unauthorizedly changed;

step 2 → receiving a list of the selected executable programs resident in the workstation;

Contrary to steps disclosed in Trostle, according Claim 1 of the present application, issuance of the "second challenge" is **dependent** on the issuance and results of the "first challenge." Specifically, the "second challenge" according to the present invention as claimed is issued if the "first challenge" determines that the "participant's computing device is trustworthy"

Because Trostle's steps of sending/receiving "a trusted hash value" and sending "a list of the selected executable programs" are **independent** of each other, Trostle does not teach, disclose or suggest "issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and **if it is then** issuing a second challenge to test the integrity of an application run on the participant's computing device" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Trostle and should be allowed by the Examiner. Claims 2-13 and 16, at least based on their dependency on Claim 1, are also believed to be patentable over Trostle.

Claim 14

Applicants submit that, for the reasons stated above for Claim 1, Trostle does not teach, disclose or suggest "issuing a challenge to a participant's computing device and on the basis of the challenge making a decision about allowing the participant to participate in the interactive computing environment, wherein the challenge determines that the participant's computing device is operating in a trustworthy manner, and

issuing an application challenge which tests the integrity of the application run on the participant's computing device **if the participant's computing device is operating in a trustworthy manner**" (emphasis added) as recited in amended Claim 14. Hence, Claim 14 is patentable over Trostle and should be allowed by the Examiner.

Claim 15

Applicants submit that, for the reasons stated above for Claim 1, Trostle does not teach, disclose or suggest "issuing a challenge to determine if a computing environment of the entity is trustworthy and to determine the integrity of an application run in the entity's computing environment **if the entity is determined to be trustworthy**" (emphasis added) as recited in amended Claim 15. Hence, Claim 15 is patentable over Trostle and should be allowed by the Examiner.

Claim 17

Applicants submit that, for the reasons stated above for Claim 1, Trostle does not teach, disclose or suggest "the server is arranged to issue a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and **if it is to then** issue a second challenge to test the integrity of an application run on the participant's computing device" (emphasis added) as recited in Claim 17. Hence, Claim 17 is patentable over Trostle and should be allowed by the Examiner. Claims 18-22, at least based on their dependency on Claim 17, are also believed to be patentable over Trostle.

Claim 23

Applicants submit that, for the reasons stated above for Claim 1, Trostle does not teach, disclose or suggest "a first computing device arranged to issue a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and **if it is to** issue a second challenge to test the integrity of an application run on the participant's computing device" (emphasis added) as recited in Claim 23. Hence, Claim 23 is patentable over Trostle and should be allowed by the Examiner. Claims 24-34, at least based on their dependency on Claim 17, are also believed to be

patentable over Trostle.

Claim 35

Applicants submit that, for the reasons stated above for Claim 1, Trostle does not teach, disclose or suggest “a server for issuing a challenge to a participant's computing device and on the basis of the challenge making a decision about allowing the participant to participate in the interactive computing environment, wherein the challenge determines that the participant's computing device is operating in a trustworthy manner, and for issuing an application challenge which tests the integrity of the application run on the participant's computing device **if it is determined that the participant's computing device is operating in a trustworthy manner**” (emphasis added) as recited in amended Claim 35. Hence, Claim 35 is patentable over Trostle and should be allowed by the Examiner.

35 U.S.C. §102(b) rejection in view of Rothrock (WO 01/37067)

Claims 1-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Rothrock. Applicants respectfully disagree. Applicants submit that the Examiner has not shown that Rothrock teaches each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicant submits that the Examiner has not shown that Rothrock discloses, suggests or teaches, *inter alia*, the following features recited by Claim 1 of the present application:

“issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is then issuing a second challenge to test the integrity of an application run on the participant's computing device” (emphasis added)

The Examiner asserts that the features recited in Claim 1 are disclosed by Rothrock's abstract. See page 6, section 15 of the Official Action. Applicant respectfully traverses the Examiner's assertion.

Rothrock's Figure 2 reproduced below, discloses secure linkage processing according to

Rothrock's invention. Applicants submit that Rothrock, contrary to the Examiner's assertions, does not teach, disclose or suggest "issuing a first challenge" and "issuing a second challenge" as recited in Claim 1.

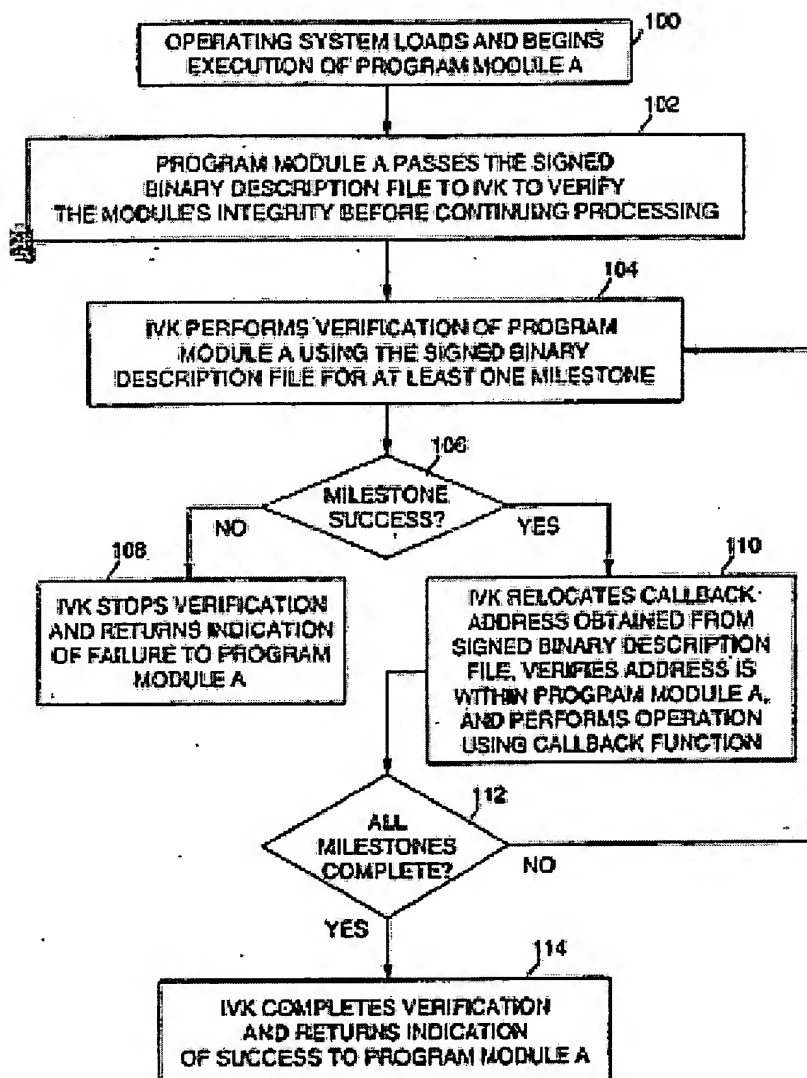


Figure 2

According to Rothrock, Rothrock's "IVK" performs integrity verification of program module "A." See Figure 2 above and page 10, line 5 of the second paragraph of the Office Action. In view of the Examiner's failure to comply with 37 C.F.R. §1.104(c)(2) by **not** designating "as nearly as practicable" where Rothrock discloses "issuing a first

challenge” and “issuing a second challenge” as recited in Claim 1, Applicants are left wondering whether Rothrock’s integrity verification of program module “A” is supposed to disclose “issuing a first challenge” and “issuing a second challenge” as recited in Claim 1.

Applicants submit that, irrespective of whether Rothrock’s integrity verification of program module “A” discloses “issuing a first challenge” or “issuing a second challenge” as recited in Claim 1, Rothrock does not at least disclose **both** challenges recited in Claim 1. If Rothrock’s integrity verification of program module “A” discloses one of the challenges recited in Claim 1, where does Rothrock disclose the other challenge recited in Claim 1?

Applicants respectfully request that the Examiner comply with 37 C.F.R. §1.104(c)(2) designating “as nearly as practicable” where Rothrock discloses **both** challenges recited in Claim 1. Otherwise, Applicants request that the rejection be withdrawn.

Claim 14

Applicants submit that, for the reasons stated above for Claim 1, Rothrock does not teach, disclose or suggest “**issuing a challenge** to a participant's computing device and on the basis of the challenge making a decision about allowing the participant to participate in the interactive computing environment, wherein the challenge determines that the participant's computing device is operating in a trustworthy manner, and **issuing an application challenge** which tests the integrity of the application run on the participant's computing device if the participant's computing device is operating in a trustworthy manner” (emphasis added) as recited in amended Claim 14. Hence, Claim 14 is patentable over Rothrock and should be allowed by the Examiner.

Claim 15

Applicants submit that, for the reasons stated above for Claim 1, Rothrock does not teach, disclose or suggest “**issuing a challenge to determine** if a computing environment of the

entity is trustworthy **and to determine** the integrity of an application run in the entity's computing environment if the entity is determined to be trustworthy” (emphasis added) as recited in amended Claim 15. Hence, Claim 15 is patentable over Rothrock and should be allowed by the Examiner.

Claim 17

Applicants submit that, for the reasons stated above for Claim 1, Rothrock does not teach, disclose or suggest “the server is arranged to **issue a first challenge** to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is to then **issue a second challenge** to test the integrity of an application run on the participant's computing device” (emphasis added) as recited in Claim 17. Hence, Claim 17 is patentable over Rothrock and should be allowed by the Examiner. Claims 18-22, at least based on their dependency on Claim 17, are also believed to be patentable over Rothrock.

Claim 23

Applicants submit that, for the reasons stated above for Claim 1, Rothrock does not teach, disclose or suggest “a first computing device arranged to **issue a first challenge** to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is to **issue a second challenge** to test the integrity of an application run on the participant's computing device” (emphasis added) as recited in Claim 23. Hence, Claim 23 is patentable over Rothrock and should be allowed by the Examiner. Claims 24-34, at least based on their dependency on Claim 17, are also believed to be patentable over Rothrock.

Claim 35

Applicants submit that, for the reasons stated above for Claim 1, Rothrock does not teach, disclose or suggest “a server for **issuing a challenge** to a participant's computing device and on the basis of the challenge making a decision about allowing the participant to participate in the interactive computing environment, wherein the challenge determines that the participant's computing device is operating in a trustworthy manner, and for

issuing an application challenge which tests the integrity of the application run on the participant's computing device if it is determined that the participant's computing device is operating in a trustworthy manner” (emphasis added) as recited in amended Claim 35. Hence, Claim 35 is patentable over Rothrock and should be allowed by the Examiner.

35 U.S.C. §102(b) rejection in view of Drake (WO 97/04394)

Claims 1-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Drake. Applicants respectfully disagree. Applicants submit that the Examiner has not shown that Drake teaches each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicant submits that the Examiner has not shown that Drake discloses, suggests or teaches, *inter alia*, the following features recited by Claim 1 of the present application:

“issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and if it is then issuing a second challenge to test the integrity of an application run on the participant's computing device” (emphasis added)

The Examiner asserts that the features recited in Claim 1 are disclosed by Drake's Aspect 3 disclosing “detecting tampering” and Aspect 4 disclosing “preventing execution-racing” recited on pages 6-9 of Drake. See page 7, section 17 of the Official Action. Applicant respectfully traverses the Examiner's assertion.

Applicants once again submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) by **not** designating “as nearly as practicable” where Drake discloses “issuing a first challenge” and “issuing a second challenge” as recited in Claim 1. Does the Examiner's find that Drake's Aspect 3 discloses one of the challenges recited in Claim 1 and Drake's Aspect 4 discloses the other challenges recited in Claim 1? If that is the case, Applicants submit that Drake's Aspect 3 and Drake's Aspect 4 are **independent** of each other. According to Drake, the Aspect 3 pertains to detecting tempering of the software where as the Aspect 4 pertains to preventing execution tracing of the software. Because Drake's Aspect 3 and Drake's Aspect 4 pertain to different ways of protecting software,

Applicants submit that Drake's Aspect 3 and Drake's Aspect 4 do not depend on each other.

Because Drake's Aspect 3 and Drake's Aspect 4 are **independent** of each other, Drake does not teach, disclose or suggest "issuing a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and **if it is then** issuing a second challenge to test the integrity of an application run on the participant's computing device" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Drake and should be allowed by the Examiner. Claims 2-13 and 16, at least based on their dependency on Claim 1, are also believed to be patentable over Drake.

Claim 14

Applicants submit that, for the reasons stated above for Claim 1, Drake does not teach, disclose or suggest "issuing a challenge to a participant's computing device and on the basis of the challenge making a decision about allowing the participant to participate in the interactive computing environment, wherein the challenge determines that the participant's computing device is operating in a trustworthy manner, and **issuing an application challenge** which tests the integrity of the application run on the participant's computing device **if the participant's computing device is operating in a trustworthy manner**" (emphasis added) as recited in amended Claim 14. Hence, Claim 14 is patentable over Drake and should be allowed by the Examiner.

Claim 15

Applicants submit that, for the reasons stated above for Claim 1, Drake does not teach, disclose or suggest "issuing a challenge to determine if a computing environment of the entity is trustworthy and to determine the integrity of an application run in the entity's computing environment **if the entity is determined to be trustworthy**" (emphasis added) as recited in amended Claim 15. Hence, Claim 15 is patentable over Drake and should be allowed by the Examiner.

Claim 17

Applicants submit that, for the reasons stated above for Claim 1, Drake does not teach, disclose or suggest “the server is arranged to issue a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and **if it is to then** issue a second challenge to test the integrity of an application run on the participant's computing device” (emphasis added) as recited in Claim 17. Hence, Claim 17 is patentable over Drake and should be allowed by the Examiner. Claims 18-22, at least based on their dependency on Claim 17, are also believed to be patentable over Drake.

Claim 23

Applicants submit that, for the reasons stated above for Claim 1, Drake does not teach, disclose or suggest “a first computing device arranged to issue a first challenge to a participant's computing device to determine whether the participant's computing device is trustworthy, and **if it is to** issue a second challenge to test the integrity of an application run on the participant's computing device” (emphasis added) as recited in Claim 23. Hence, Claim 23 is patentable over Drake and should be allowed by the Examiner. Claims 24-34, at least based on their dependency on Claim 17, are also believed to be patentable over Drake.

Claim 35

Applicants submit that, for the reasons stated above for Claim 1, Drake does not teach, disclose or suggest “a server for issuing a challenge to a participant's computing device and on the basis of the challenge making a decision about allowing the participant to participate in the interactive computing environment, wherein the challenge determines that the participant's computing device is operating in a trustworthy manner, and for issuing an application challenge which tests the integrity of the application run on the participant's computing device **if it is determined that the participant's computing device is operating in a trustworthy manner**” (emphasis added) as recited in amended

Claim 35. Hence, Claim 35 is patentable over Drake and should be allowed by the Examiner.

* * *

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

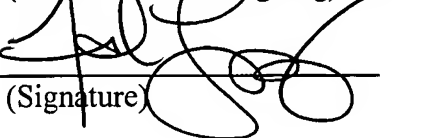
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November 20, 2006

(Date of Deposit)

Trisha Lozano

(Name of Person Signing)



(Signature)

November 20, 2006

(Date)

Respectfully submitted,



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Encls:

Petition for a one-month extension of
time;
Postcard.